

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NIKKI POOSHS,

Plaintiff,

v.

PHILLIP MORRIS USA, INC., et al.,

Defendants.

No. C 04-1221 PJH

SCHEDULING ORDER

In accordance with the December 5, 2012 Preliminary Final Pretrial Order, and based on the instructions in that order and in the other pretrial orders and rulings issued by the court since the November 29, 2013 pretrial conference, the parties shall file, no later than June 19, 2013, 1) revised exhibit lists with a suggested procedure for resolving disputes as to categories or representative exhibits, if any; 2) objections to the revised witness lists/deposition designations in accordance with the procedure set forth in the Preliminary Final Pretrial Order; 3) a revised jointly prepared verdict form; 4) any additional voir dire questions or a jointly prepared questionnaire; and 5) revised jury instructions.

In addition, the parties shall meet and confer about the specific items of evidence for which the court deferred its ruling on one or more motion in limine, and shall advise the court no later than June 19, 2013 as to the status of those disputes, including Philip Morris' Motion in Limine No. 8 to exclude evidence regarding the film "This Week – the Marlboro Story – Death in the West;" and RJR's Motion in Limine No. 7, to exclude references to "Smoking and Tobacco Control Monograph" to the extent that plaintiff intends to offer the

1 document for some purpose unrelated to cigarette design. The parties shall also advise the
2 court whether they have entered into a stipulation that COPD and periodontal diseases are
3 separate and distinct from lung cancer, in accordance with the argument regarding RJR's
4 Motion in Limine No. 2 to exclude evidence of plaintiff's injuries other than lung cancer.

5 The court will conduct a further pretrial conference on Friday, July 12, 2013, at 9:00
6 a.m., at which time a trial date will be set.

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8 **IT IS SO ORDERED.**

9 Dated: May 22, 2013



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11 PHYLLIS J. HAMILTON
12 United States District Judge
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